

REMARKS

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

Applicants' attorney wishes to thank the Examiner in charge of the application for the courtesies extended to him at the interview on May 5, 2004 at which time, the rejection was discussed.

The claims in the application are claims 1 to 3, 5 to 10, 12 to 14 and 16, all other claims having been cancelled.

Claims 1 and 5 to 10, 12 and 13 have been objected to. The Examiner objected to the use of the term "optionally" as being indefinite and claims 8 to 10 and 12 to 13 were rejected for being improperly dependent upon claim 1 since the temperature range differed.

Applicants respectfully traverse these grounds of rejection since it is believed that the amended claims are clearly free of the Examiner's objection thereto. Claim 8 has now been amended to make the temperature range consistent with claim 1 thereby obviating this ground of rejection. With respect to the alleged limitations objected to by

the Examiner, it is believed that the amended claims are free of the objections. The claims now recite "reducing the loaded support at a specific temperature" and then, applying at least one alkali metal compound before or after the reduction. The term "additionally applying and carrying out the reduction" has been replaced. The term "optionally" is proper since it means that the optional step may or may not be employed. The Examiner's attention is directed to Ex parte Cardova, 10 USPQ 2nd, page 1949 which specifically states that the term "optionally" is proper. Therefore, it is deemed that the Examiner's objections have been obviated.

All of the claims were rejected under 35 USC 103 as being obvious over the Couves et al reference taken in view of the Bankmann et al article. The Examiner states that Couves et al teaches a catalyst made by impregnating a palladium compound onto a support which may be porous titania followed by reduction at elevated temperatures of 100 to 500° for reduction and then, applying an alkali metal compound. The Bankmann et al article is cited to show catalyst support materials and specifically teaches titania supports produced by flame hydrolysis of TiCl₄ and the Examiner deems that it would have been obvious to modify the Couves et al catalyst since it teaches many catalyst supports and that the secondary reference teaches the specific support.

The Examiner has dismissed the declaration as not being commensurate in scope with the claims and does not adequately compare the present invention to the prior art and is moot in view of the new grounds of rejection.

Applicants respectfully traverse this ground of rejection since the prior art cited by the Examiner, with the benefit of Applicants' disclosure, would not be combined by one skilled in the art and expect to obtain Applicants' results. One skilled in the art starting from the Couves et al reference as the closest prior art, would have no motivation to consider a catalyst composition which does not teach the presence of gold and potassium and which is used in a different technical field. Couves et al teaches that a catalyst composition which is used in the vinyl acetate process comprises palladium and gold (lines 12 and 13 of page 2) and in addition, potassium acetate (lines 32 to 33 of page 4 of EP 793) as a promoter. Therefore, one skilled in the art having an object to improve the vinyl acetate process would not consider a teaching directed to a selective hydrogenation process as taught by Bankmann et al and which employs a catalyst composition which does not teach the presence of gold and potassium acetate. Moreover, in the process for preparing vinyl acetate, the presence of potassium acetate in the catalyst composition is extremely important.

The Bankmann et al reference does not overcome the deficiency of the primary reference. Bankmann et al discloses on page 239 that palladium catalysts on fumed TiO₂ supports are catalysts used in selective hydrogenation as taught on pages 240 and 241 of the reference. Bankmann et al does not disclose the presence of gold and palladium nor the presence of an alkali metal in the catalyst composition and Bankman refers to a selective hydrogenation process rather than a process for the manufacture of vinyl acetate. The catalysts are not similar nor the processes and therefore, one skilled in the

art would have no incentive to combine them. They do not relate to Applicants' problem nor their solution. Therefore, one skilled in the art would not combine the teachings of the two references since the processes and the catalytic activity are completely different.

With respect to Applicants' declaration, the declaration clearly demonstrates that Couves et al does not lead to a suitable vinyl acetate catalyst if a titania support on fumed $TiCl_4$ is used which is then sintered according to Couves et al. The catalyst performance data in the declaration clearly demonstrates that the catalysts of claim 1 are different from those of the catalyst obtained by Couves et al and therefore, it is commensurate in scope with the claims and adequately demonstrates the advantages of Applicants' catalysts with respect to that of the prior art. Therefore, the combination of the prior art does not teach Applicants' invention and withdrawal of this ground of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Muserlian, Lucas and Mercanti


Charles A. Muserlian, 19,683
Attorney for Applicants
Tel.# (212) 661-8000

CAM:ds
Enclosure